

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	Criminal No. 1:05-cr-10226 RWZ
	)	
	)	
V.	)	
	)	
	)	
SAMNANG AM	)	

MOTION TO SUPPRESS EVIDENCE AND STATEMENTS

Defendant Samnang Am, by and through his undersigned attorney, moves the court to suppress all evidence, including statements, seized as a result of the warrantless search of his person and non Mirandized questions put to him at the time of his arrest by members of the Lynn Police Department in Lynn, Massachusetts on May 26, 2005 in the District of Massachusetts.

LIST OF PROPERTY SUBJECT TO THE MOTION

Titan 25 Caliber handgun – Serial # ED95520

6 Rounds of Ammunition

Any and all additional evidence of any nature seized during the course of the search or obtained as a result of the search and subsequent arrest of the defendant.

As grounds for the motion to suppress, the defendant states:

The search and seizure of the defendant at the scene of the stop was conducted without a warrant, without probable cause, without reasonable suspicion and in violation of the Fourth Amendment to the United States Constitution.

The statements made by the defendant at the time of the vehicle stop were obtained as the result of an illegal stop conducted without a warrant, without probable cause and in violation of the Fourth Amendment and Fifth Amendment to the United States Constitution.

Any further evidence obtained as the result of the illegal search and seizure of the defendant's property or statements made is derivative of the illegal stop, search and seizure and therefore must be suppressed as "fruits of the poisonous tree".

The Defendant Samnang Am requests an evidentiary hearing on this motion.

This motion is based upon all the papers and records on file in this matter, on the police reports, and the memorandum of law submitted with this motion, and on the evidence and arguments presented by the parties, including co-defendants, at the hearing on this motion.

The defendant respectfully requests to reserve the right to supplement this motion by way of further memoranda, reports and affidavits as required by Local Rule 7.1 of the Local Rules of the District Court for the District of Massachusetts.

The defendant,  
SAMNANG AM  
By his attorney,

‘/s/Walter H. Underhill, Esquire’  
Walter H. Underhill, Esq.  
66 Long Wharf  
Boston, MA  
02110  
4<sup>th</sup>. Floor  
Tel. # 617-523-5858  
B.B.O. # 506300

**RULE 7.1 CERTIFICATION**

The parties have had an opportunity to confer on this motion and the motion is not assented to by the attorney for the Government, Lisa Asiaf.

SIGNED: ‘/s/Walter H. Underhill, Esquire’

DATE: July 24, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

SIGNED: ‘/s/Walter H. Underhill, Esquire’  
WALTER H. UNDERHILL, ESQ.

DATE: July 24, 2006